

TITLE VI.

FIRE PROTECTION AND PREVENTION

CHAPTERS:

- 6-01. International Fire Code.
- 6-02. Public Conduct in Case of Fire.

## CHAPTER 6-01

### INTERNATIONAL FIRE CODE

Source: Ord. 742, Sec 1 (2005)

#### SECTIONS:

- 6-0101. Adoption of International Fire Code.
- 6-0102. Definitions.
- 6-0103. Modifications of International Fire Code.
- 6-0104. Storage of Flammable Liquids.
- 6-0105. Storage of Explosives and Blasting Agents.
- 6-0106. Non-Conforming Uses.
- 6-0107. Modifications by Chief of Volunteer Fire Department.
- 6-0108. Appeals.
- 6-0109. Validity.
- 6-0110. Penalties.

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6-0101. ADOPTION OF INTERNATIONAL FIRE CODE. There is hereby adopted by reference by the Board of City Commissioners, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the provisions of the Code known as the International Fire Code, being particularly the 2006 edition thereof, as the same are now established in said Code, save and except such portions as are hereinafter deleted, modified, or amended by ordinance, or in accordance with other provisions of this title. A copy of said Code is on file in the office of the Chief of the volunteer fire department of the City of West Fargo, and the same is hereby adopted and incorporated as fully as if set out in length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City as well as for any area within the extraterritorial zoning jurisdiction of the City. Provided, that any amendments of the 2006 edition of the International Fire Code may be adopted by the City by resolution. The International Fire Code is also adopted as part of the International Building Code of the City of West Fargo.

Source: Ord 815, Sec. 1 (2008)

#### 6-0102. DEFINITIONS.

1. Whenever the word "municipality" is used in the International Fire Code, it shall mean the City of West Fargo.
2. Whenever the term "corporation counsel" is used in the International Fire Code, it shall mean the city attorney for the City of West Fargo.

3. Whenever the term "International Plumbing Code" is used in the International Fire Code, it shall mean the North Dakota state plumbing code.
4. Whenever the term "ICC Electrical Code" is used in the International Fire Code, it shall mean the National Electric Code together with the North Dakota State Wiring Standards.
5. Whenever the word "jurisdiction" is used in the International Fire Code, which code is hereinbefore more specifically identified in Section 6-0101, it shall be held to mean the corporate limits of the City of West Fargo, North Dakota, as well as any area within the extraterritorial zoning jurisdiction of the City.
6. Whenever the term "chief" is used in the International Fire Code, as hereinbefore more specifically identified in Section 6-0101, the same shall be construed to mean the chief of the volunteer fire department of the City of West Fargo, North Dakota.

6-0103. MODIFICATIONS OF INTERNATIONAL FIRE CODE. The International Fire Code is hereby changed and amended as follows:

1. **Section 101.1 is amended to read as follows:**

**101.1 Title.** These regulations shall be known as the *Fire Code* of ~~[NAME OF JURISDICTION]~~ of the City of West Fargo, hereinafter referred to as "this code."

2. **Section 105.6 is hereby amended to read as follows:**

**105.6 Required operational permits.** The fire code official is authorized to issue operational permits for the operations set forth in Sections ~~105.6.1 through 105.6.46~~ 105.6.16, 105.6.30 and 105.6.43.

3. **Sections 105.6.1 through 105.6.15, Sections 105.6.17 through 105.6.29, Sections 105.6.31 through 105.6.42 and Sections 105.6.44 through 105.6.46 are hereby deleted in their entirety.**

4. **Section 105.6.47 is hereby added as follows:**

**Section 105.6.47 Day care facilities.** An operational permit is required to operate a licensed day care facility. This permit shall be renewed annually.

5. **Sections 105.7.1 and 105.7.2 are hereby deleted in their entirety.**
6. **Section 105.7.3 is hereby amended to read as follows:**

**105.7.3 Compressed gases.** When the compressed gases in use, ~~or storage and/or dispensing~~ exceed the amounts listed in Table 105.6.8, a construction permit is required to install, ~~repair damage to, abandon, remove, place temporarily out of service or close~~ or substantially modify a compressed gas system.

**Exceptions:**

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

The permit applicant shall apply for approval to close storage, use or handling facilities at least 30 days prior to the termination of the storage, use or handling of compressed or liquefied gases. Such application shall include any change or alteration of the facility closure plan filed pursuant to Section 2701.6.3. The 30-day period is not applicable when approved based on special circumstances requiring such waiver.

7. **Sections 105.7.4 through 105.7.5 are hereby deleted in their entirety.**
8. **Section 105.7.6 is hereby amended to read as follows:**

**105.7.6 Flammable and combustible liquids.** A construction permit is required:

~~1. To repair or modify a pipeline for the transportation of flammable or combustible liquids.~~

2 1. To install, construct or alter ~~tank vehicles, equipment, tanks, plants, terminals, wells, fuel dispensing stations, refineries, distilleries and similar facilities~~ above and below ground tanks where flammable and combustible liquids are ~~produced, processed, transported,~~ stored, dispensed or used.

~~3 2. To install, alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank.~~

9. **Sections 105.7.7 through 105.7.8 are hereby deleted in their entirety.**

10. **Section 105.7.7 is hereby amended to read as follows:**

**105.7.9 LP-Gas.** A construction permit is required for installation of ~~or modification to~~ an LP-gas system with a single container in excess 2000 gallon water capacity or the aggregate capacity of containers in more than 4000 gallons in water capacity.

11. **Sections 105.7.10 through 105.7.13 are hereby deleted in their entirety.**

12. **Section 109.3 is hereby amended to read as follows:**

**109.3 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a ~~[SPECIFY OFFENSE]~~ infraction, punishable by a fine of not more than ~~[AMOUNT]~~ five hundred (500) dollars. ~~or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment.~~ Each day that a violation continues after due notice has been served shall be deemed a separate offense.

13. **Section 111.4 is hereby amended to read as follows:**

**111.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not ~~less than [AMOUNT] dollars or more than [AMOUNT]~~ five hundred (500) dollars.

14. **Section 202 is hereby amended to read as follows:**

**OCCUPANCY CLASSIFICATION.** For the purposes of this code, certain occupancies are defined as follows: ...

**[B] Educational Group E.** Educational Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12<sup>th</sup> grade. Religious educational rooms and religious auditoriums, which are accessory to places of religious worship in accordance with Section 508.3.1 of the *International Building Code* and have occupant loads of less than 100, shall be classified as Group A-3 occupancies.

**Day care.** The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than ~~five~~ twelve children older than 2 1/2 years of age shall be classified as an E occupancy.

...

**Group I-4, day care facilities.** This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with ~~five~~ twelve or fewer persons shall be classified as Group R-3 or shall comply with the International Residential Code in accordance with Section 101.2 of the International Building Code. Places of worship during religious functions are not included.

**Adult care facility.** A facility that provides accommodations for less than 24 hours for more than five unrelated adults and provides supervision and personal care services shall be classified as Group I-4. Exception: Where the occupants are capable of responding to an emergency situation without physical assistance from the staff the facility shall be classified as Group A-3.

**Child care facility.** A facility that provides supervision and personal care on less than a 24-hour basis for more than

~~five~~ twelve children 2 1/2 years of age or less shall be classified as Group I-4.

**Exception:** A child day care facility which provides care for more than ~~five~~ twelve but no more than 100 children 2 1/2 years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E. ...

**[B] Residential Group R. ...**

**R-3** Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I, including:

Buildings that do not contain more than two dwelling units

Adult care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours

Child care facilities that provide accommodations for ~~five~~ twelve or fewer persons of any age for less than 24 hours

Congregate living facilities with 16 or fewer persons.

Adult and child care facilities that are within a single-family home are permitted to comply with the International Residential Code.

**16. Section 307.4.1 is hereby amended to read as follows:**

**307.4.1 Bonfires.** A bonfire shall not be conducted within ~~50~~ 25 feet (~~15,240~~ 7620 mm) of a structure or combustible material unless the fire is contained in a barbecue pit or a container approved by the fire department. Conditions which could cause a fire to spread within ~~50~~ 25 feet (~~15,240~~ 7620 mm) of a structure shall be eliminated prior to ignition. The intended use and site plans shown the location of the proposed bonfire shall be made available to the fire department prior to conducting bonfire. (25 feet (7620 mm) shall be measured from the edge of the closest portion of the bonfire to the closest

portion of the structure or combustible material.)

**17. Section 307.4.2 is hereby amended to read as follows:**

**307.4.2 Recreational fires.** Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material and contained in a barbecue pit or a container approved by the fire department. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition. (25 feet (7620 mm) shall be measured from the edge of the closest portion of the bonfire to the closest portion of the structure or combustible material.)

**18. Section 308.3.1 is hereby amended to read as follows:**

**308.3.1 Open-flame cooking devices.** Charcoal burners and other open -flame cooking devices shall not be operated on combustible balconies, decks or within 10 feet (3048 mm) of combustible construction.

**Exceptions:**

1. One- and two-family dwellings.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.

**19. Section 308.3.1.1 is hereby amended to read as follows:**

**308.3.1.1 Liquefied-petroleum-gas-fueled cooking devices.** LP-gas burners having an LP-gas container with a water capacity greater than ~~2.5~~ 47.8 pounds [nominal  $\pm$  20 pounds (~~0.454~~ 9 kg) LP-gas capacity] shall not be located on combustible balconies, decks or within 10 feet (3048 mm) of combustible construction.

**Exception:** One- and two-family dwellings.

**20. Section 404.1 is hereby amended to read as follows:**

**404.1 General.** Fire safety and evacuation plans shall comply with the requirements of this section when required by the code official.



21. Section 405.1 is hereby amended to read as follows:

**405.1 General.** Emergency evacuation drills ~~complying~~ shall comply with the provisions of this section ~~shall be conducted at least annually in the occupancies listed in Section 404.2 or~~ when required by the fire code official. Drills shall be designed in cooperation with the local authorities.

22. Section 408.8.3 is hereby amended to read as follows:

**408.8.3 Fire safety and evacuation instructions.** Information shall be provided in the fire safety and evacuation plan when required by Section 404 to allow guests to decide whether to evacuate to the outside, evacuate to an area of refuge, remain in place, or any combination of the three.

23. Section 408.9 and its subsections are hereby deleted in its entirety.

24. Section 806.1.1 is hereby amended by adding an exception to read as follows:

3. For the purposes of this provision, churches shall not be deemed public buildings and may utilize natural or resin bearing cut trees in the alter area of the church, No electric lighting is allowed in the tree.

25. Section 903.3.1 is hereby amended to read as follows:

**903.3.1 Standards.** Sprinkler systems shall be designed with a 5 psi safety margin and installed in accordance with Sections 903.3.1.1, 903.3.1.2 or 903.3.1.3.

26. Section 903.1.1 is hereby amended to read as follows:

**903.3.1.1 NFPA 13 sprinkler systems.** Where the provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Section 903.3.1.1.1.

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Sprinkler heads in unoccupied mall tenant spaces may be installed at ceiling height if allowed by the code official. Permission will

be granted on an individual basis and requires written documentation from the code official. Combustible storage shall not be allowed in these unoccupied tenant spaces if the sprinkler heads are installed at ceiling height. Signage shall be provided outlining the storage restrictions.

27. Section 903.3.1.2.1 is hereby deleted in its entirety.

28. Section 907.3.2 is hereby amended to read as follows:

**907.3.2 Single- and multiple-station smoke alarms.** Single- and multiple-station smoke alarms shall be installed in existing Group R occupancies in accordance with Sections 907.3.2.1 through 907.3.2.3. This section only applies to existing residential rental properties.

29. Section 907.20.3 is hereby deleted in its entirety.

30. Section 1009.3, Exception 4 is hereby amended to read as follows:

**1009.3 Stair treads and risers. ....**

**Exceptions: ....**

4. In Group R-3 occupancies; within dwelling units in Group R-2 occupancies; and in Group U occupancies that are accessory to a Group R-3 occupancy or accessory to individual dwelling units in Group R-2 occupancies; the maximum riser height shall be ~~7.75~~ 8 inches (~~197~~ 203 mm); the minimum tread depth shall be ~~10~~ 9 inches (~~254~~ 229 mm); the minimum winder tread depth at the walk line shall be 10 inches (254 mm); and the minimum winder tread depth shall be 6 inches (152 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 11 inches (279 mm).

31. Section 2203.1 is hereby amended by adding Subsection 6 to read as follows:

6. On new installations, dispensing devices used to fill portable containers with home heating fuels shall not be located on the island where Class I liquids are dispensed.

32. Section 3301.1.3 is hereby amended to read as follows:

**3301.1.3      Fireworks.**      The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions: ...

~~4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided such fireworks comply with, CPSC 16 CFR, Parts 1500 and 1507, and DOTn 49 CFR, Parts 100-178, for consumer fireworks.~~ The prohibition for the storage, use, and handling of fireworks set forth in Section 3301.1.3 of the International Fire Code only applies to the area within the city limits of the City of West Fargo, and not to the extraterritorial zoning jurisdiction of the City. Provided, no sales or storage of fireworks in the extraterritorial zoning jurisdiction of West Fargo can be located within 200 feet of any residential lot or in any other location which the Fire Chief determines may create a hazardous condition. Also, provided that if property, upon which a building is located and in which fire works were sold in the year 2004, becomes annexed to the City in 2005 or a subsequent year, the owner or lessee of the building may apply to the City Auditor for a special permit to store, use, handle or sell fireworks from the date the annexation becomes effective through the next 31st day of July from the same building. Provided, that the sale of fireworks will be limited to

the next June 27 through July 5. At the end of such time period, the general prohibition for such activity in the City limits of West Fargo will apply to the building. No such permit will be granted if the building is located within 200 feet of any residential lot or in a location which the Fire Chief determines may cause a hazardous condition. The fee for such permit shall be \$75.

33. **Section 3404.2.13.1.4 is hereby amended by adding Subsection 7 to read as follows:**

**3404.2.13.1.4 Tanks abandoned in place. ....**

7. Site assessment is required to determine if there are any spills, leaks, or discharge from the tank system. Records of site assessment shall be kept on the site of tank location.

34. **Section 3405.3.7.5.1 is hereby amended by adding Subsection 2 to read as follows:**

**3405.3.7.5.1 Ventilation. ....**

Exception:

1. Where natural ventilation can be shown to be effective for the materials used, dispensed or mixed.

2. When approved by the local fire chief, continuous ventilation may be provided for one complete air change per hour, if supplemented with mechanical ventilation designed to provide for a complete air change six times per hour. The non-continuous ventilation equipment and any lighting fixtures shall be operated by the same switch located outside of the door.

35. **Section 3803.2.1 is hereby amended to read as follows:**

**3803.2.1.6 Use with self-contained torch assemblies.** Portable LP-gas containers are allowed to be used to supply approved self-contained torch assemblies or similar

appliances. Such containers shall not exceed a water capacity of ~~2.5~~ 12 pounds ( $\pm$  5.5 kg).

**36. Appendix B "Fire-Flow Requirements for Buildings" is hereby adopted in its entirety.**

**37. Appendix C "Fire Hydrant Locations and Distribution" is hereby adopted in its entirety.**

Source: Ord. 815, Sec. 2 (2008)

6-0104. STORAGE OF FLAMMABLE LIQUIDS. The limits referred to in the International Fire Code, in which storage of flammable or combustible liquids in outside above-ground tanks is prohibited, are hereby established as follows: "The corporate limits of the City of West Fargo, North Dakota, except for property zoned A-Agricultural and M-Heavy Industrial, or property in the C-Light Commercial and CM-Heavy Commercial/Light Industrial for which a conditional use permit has been granted.

The limits referred to in the International Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: "The corporate limits of the City of West Fargo, North Dakota."

6-0105. STORAGE OF EXPLOSIVES AND BLASTING AGENTS. The limits referred to in the International Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: "The corporate limits of the City of West Fargo, North Dakota."

6-0106. NON-CONFORMING USES. The regulations prescribed in Section 6-0104 shall not be construed to require the removal or any other change or alteration of outside above ground storage tanks in which flammable or combustible liquids are maintained not conforming to said prohibitions as of the effective date hereof, or otherwise interfere with the continuance of any such non-conforming use, nor shall they be construed to prohibit or otherwise preclude the construction of outside above ground tanks for the storage of flammable or combustible liquids on the following-described premises, to-wit:

Beginning at the Southwest corner of Section Four (4), Township One Hundred Thirty-nine (139) North of Range Forty-nine (49) West of the Fifth Principal Meridian, Cass County, North Dakota; thence North along the West boundary line of said Section Four (4), One Thousand One Hundred Eighty-four and Seventy One-hundredths feet (1,184.17), more or less, to the South right-of-way line of the Northern Pacific Railway Company, as it is presently constituted, thence Southeasterly along said right-of-way Two Thousand Six Hundred Eighty-two and Four-tenths feet (2,682.4), more or less, to the East

boundary line of the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>) of said Section Four (4), thence South along the East boundary line of said Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>) One Thousand and Eight-tenths feet (1,000.8), more or less, to the Southeast corner of said Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>), thence West along the South section line of said Section Four (4) a distance of Two Thousand Six Hundred Seventy-six and One-tenth feet (2,676.1), more or less, to the point of beginning.

provided, however, that any application for a building permit for the construction of outside, above ground tanks for the storage of flammable or combustible liquids on the hereinbefore described premises shall provide for designated, unobstructed access ways and/or fire hydrants sufficient to provide adequate fire protection as determined by the building official. Nothing contained in Section 6-0104 shall require any change in the construction, alteration, or intended use of any such structure if the construction or alteration was begun prior to the effective date of this ordinance, and is diligently prosecuted and completed within one year thereof.

6-0107. MODIFICATIONS BY CHIEF OF VOLUNTEER FIRE DEPARTMENT. The chief of the volunteer fire department of the City of West Fargo, North Dakota, shall have the power to modify any of the provisions of this chapter upon application in writing by the owner or lessee, or his duly authorized agent, when there are particular difficulties in the way of carrying out the strict letter of the provisions of this chapter, provided that the spirit of this chapter shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the volunteer fire department of the City of West Fargo, North Dakota, thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

6-0108. APPEALS. Whenever the chief of the volunteer fire department of the City of West Fargo, North Dakota, shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of this chapter do not apply or that the true intent and meaning of this chapter have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the volunteer fire department of the City of West Fargo, North Dakota, to the City Commission of the City of West Fargo, North Dakota. The appeal must be filed in writing with the City Auditor within thirty (30) days from the date of the decision appealed.

6-0109. VALIDITY. The City Commission of the City of West Fargo, North Dakota, hereby declares that should any section, paragraph, sentence, or word of this ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the City Commission of the City of West Fargo, North Dakota, that it would

have passed all other portions of this ordinance independent of the elimination hear from of any such portion as may be declared invalid.

6-0110. PENALTY. Any person violating any provision of the fire code adopted by this title or any section of this title shall be guilty of an infraction and shall be subject to the penalties set forth in Section 1-0211. Each day such violation continues shall be considered a separate offense.

## CHAPTER 6-02

### PUBLIC CONDUCT IN CASE OF FIRE

#### SECTIONS:

- 6-0201. Persons Allowed on Fire Fighting Vehicles.
- 6-0202. Persons Allowed to Proceed to Fire Hall.
- 6-0203. Persons Allowed to Assist in Fire Extinguishment.
- 6-0204. Fire Chief May Command Assistance.

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6-0201. PERSONS ALLOWED ON FIRE FIGHTING VEHICLES. No person except members of the fire department or such persons as are authorized by the Fire Chief or Chief in charge shall ride on the fire truck or other vehicle containing fire apparatus.

6-0202. PERSONS ALLOWED TO PROCEED TO FIRE HALL. In cases when the fire siren on the fire hall has sounded, no persons except members of the fire department or such persons as are authorized by the Fire Chief or Chief in charge shall proceed to the fire hall.

6-0203. PERSONS ALLOWED TO ASSIST IN FIRE EXTINGUISHMENT. No persons except members of the fire department or such persons as are authorized by the Fire Chief or Chief in charge shall assist in the extinguishment of fires or preservation of property exposed to fire during the time the fire department is engaged in the extinguishment of a fire or preservation of property exposed to a fire, nor shall any person hinder or delay the fire department or any member thereof in performing his duty in the extinguishment of a fire or preservation of property exposed to a fire.

6-0204. FIRE CHIEF MAY COMMAND ASSISTANCE. The Fire Chief or Chief in charge shall have the power to command such assistance from persons in attendance at any fire in the extinguishment of fires and for the preservation of property exposed to fire as may, in his judgment, be required.